

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DIANA COREA, SINDY PINEDA, ISAAC
RUNCIMAN, AMPARO CHAUCA, LAOS
CARDOSO, AND JUANA CRUZ,

Individually, and on behalf of all others
similarly situated as Class Representatives,

Plaintiff,

v.

CAFÉ SPICE {GCT}, INC. A/K/A CAFÉ
SPICE INC. A/K/A CAFÉ SPICE GLOBAL
CUISINE A/K/A ZAIKA FLAVORS OF
INDIA; SUSHIL MALHOTRA; SAMEER
MALHOTRA; PAYAL MALHOTRA; AND
VIRGILIO FELIX,

Defendants.
-----X

Case No.: 7:18-cv-10354 (KMK)
(JCM)

**NOTICE OF UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT, PROVISIONAL CERTIFICATION OF THE SETTLEMENT CLASS,
APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND
APPROVAL OF PROPOSED NOTICE OF SETTLEMENT**

For the reasons set forth in the Plaintiffs' Memorandum of Law in Support of the Motion for Preliminary Approval of the Settlement, Provisional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Proposed Notice of Settlement; and in the Declaration of Robert McCreanor and supporting documents, the Plaintiffs respectfully request that the Court enter an Order:

1. Granting preliminary approval of the Settlement as memorialized in the Parties' Settlement Agreement, attached as Exhibit 1 to the Declaration of Robert McCreanor in support

of this motion and entering the Preliminary Approval Order, in the form attached as Exhibit E to the Settlement Agreement;

2. Granting Plaintiffs' request to provisionally certify the proposed settlement class under Federal Rule of Civil Procedure 23(b)(3) in connection with the settlement process;

3. Appointing Worker Justice Center of New York as Class Counsel ("Class Counsel");

4. Granting the Parties' request to include all Class Members (with the exception of those who timely Opt-Out) as Affected Class Members subject to the terms of the Settlement Agreement;

5. Scheduling the Final Fairness Hearing;

6. Approving the Settlement Forms, attached as Exhibits C and D to the Settlement Agreement, and manner of notice;

7. Authorizing Counsel for the Parties to select a Claims Administrator; and

8. Finds that the provisions of the Agreement that resolve the individual FLSA claims of Plaintiffs Isaac Runciman, Laos Cardoso and Francisco Mendez satisfy the requirements set forth in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir 2015).

The Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as Exhibit A, for the Court's convenience.

Defendants do not oppose this motion.

Dated: November 25, 2019

Respectfully Submitted,

/s/ Robert McCreanor

Worker Justice Center of New York

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